

1 HONORABLE RONALD B. LEIGHTON  
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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT TACOMA

13 UNITED STATES OF AMERICA,  
14 Plaintiff,  
15 v.  
16 LLOYD RAY LITTLE,  
17 Defendant.

Case No. CR07-5489RBL

ORDER

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THIS MATTER comes on before the above-entitled Court upon Defendant's "Motion to Correct Sentencing of Time Served" [Dkt. #44]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Although entitled "Motion to Correct Sentencing of Time Served", defendant is actually seeking credit for time served in state custody and is more properly considered as a motion pursuant to 28 U.S.C. §2241. As indicated in the Declaration of William H. Redkey, Jr., the Bureau of Prisons ("B.O.P.") has not yet calculated the credit, if any, that the defendant is entitled to for time spent in state custody. Because the B.O.P. has not yet done the calculation and defendant has not availed himself of the administrative process, this motion is not yet ripe. Therefore, Defendant's motion [Dkt. #44] is **DENIED WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party  
2 appearing pro se.

3 Dated this 23<sup>rd</sup> day of December, 2008.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE